



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,620	03/30/2005	Hiroyuki Yurugi	MTS-3512US	1959
23122	7590	12/03/2008	EXAMINER	
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482				KAO, WEI PO ERIC
ART UNIT		PAPER NUMBER		
2416				
MAIL DATE		DELIVERY MODE		
12/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/529,620	YURUGI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	WEI-PO KAO	2416	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires 3 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b)  They raise the issue of new matter (see NOTE below);  
 (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1, 3, 4, 6, 8-13 and 15.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13.  Other: \_\_\_\_\_.

/Ricky Ngo/  
 Supervisory Patent Examiner, Art Unit 2416

/Wei-po Kao/  
 Examiner, Art Unit 2416

Continuation of 11. does NOT place the application in condition for allowance because: In response to the remark on page 11: In response to the entire content of the remarks, in particular that Moriyama et al, U.S. Publication No. 2004/0198430 (Moriyama) does not disclose or suggest "... said first change-over means changes over so that said wired data communication is performed, and using the wired connection detected by said first detecting means, gives a change-over instruction to said second change-over means to change over," the examiner respectfully disagrees. Given the broadest reasonable interpretation to the claimed term, a change-over instruction, can be understood as any signal/data/information that indicates the connectivity of a communication line/link/path, thus reflecting whether a change-over means should make the shifting (to either a wired or wireless communication mode). According to paragraph [0079] in Moriyama's disclosure, it states that "... the CPU 11 of the processing apparatus 10 need only periodically exchange information with the display device 50, via the wired data transfer line 21, to determine whether the wired image transfer line 22 is connected ..." In other words, the processing apparatus, which acts a first change-over means to make the shifting, exchanges (meaning sending and receiving) information regarding the connectivity of the wired communication line, between the display device, which also acts as a second change-over means. Therefore, (Moriyama) does disclose or suggest "... said first change-over means changes over so that said wired data communication is performed, and using the wired connection detected by said first detecting means, gives a change-over instruction to said second change-over means to change over,"

In response to the remark on pages 13 and 14:

In response to the entire content of the remarks, in particular that "Claims 4, 6, and 8-10, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus claims 4, 6, 8-10 are also allowable ... Claims 11-13 depend from claims 8-10, respectively ... Claim 3 is allowable, however, because it depends from allowable claim 1 ... Claim 15, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1 ... Thus, claim 15 is allowable ..." the examiner respectfully disagrees. For the similar reason, since the presented features is not allowable, claims 3, 4, 6, 8-13 and 15 are not allowable..